

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL UTILITY ORDERS
Selected for Publication
October 2001

October 4, 2001

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION

DOCKET NO. UE-011163

Complainant,

v.

PUGET SOUND ENERGY, INC.

Respondent.

.....

In the Matter of the Petition of

DOCKET NO. UE-011170

PUGET SOUND ENERGY, INC.

SIXTH SUPPLEMENTAL ORDER

For an Order Authorizing Deferral
of Certain electric Energy Supply
Costs

ORDER DISMISSING DOCKETS

The Commission dismisses two consolidated dockets in which Puget Sound Energy (PSE) seeks authority to begin deferring actual power costs and to begin passing to ratepayers the estimated increased costs of power.

It is inconsistent with the fundamental purposes of regulation for the Commission to deny extraordinary relief on technical grounds when the denial might result in the utility's inability to provide service. ¶ 11; *CR 12(b)(6)*; *WAC 480-09-426(1)*

In reviewing a motion to dismiss, the Commission uses the prefiled evidence to define the pleadings originating the proceeding, analogous to consideration by a civil court of allegations of fact and the possibility of their proof by competent evidence. ¶ 13; CR 12(b)(6)

A party seeking a rate increase has the burden of coming forward with sufficient evidence to support its request. ¶ 14; CR 50

The Commission has the right and the obligation to grant immediate rate relief, outside the context of a general rate case, when the circumstances warrant, to protect the public interest even when this requires an increase in utility rates. ¶ 17; *State ex rel. Puget Sound Navigation Company v. Department of Transportation*, 33 Wn. 2d 448, 206 P.2d 456 (1949)

A grant of immediate rate relief outside the context of a general rate case requires a showing by the utility of critical need. There must be a clear showing of the adverse consequences that will reasonably flow from the lack of relief requested and a demonstration why relief in a general rate case, or in an interim request associated with a general rate case, would be inadequate or protect the Company and ratepayers from severe financial consequences. ¶ 19, 21; *In re Avista Corporation Request for Recovery of Power Costs Through a Deferral Mechanism*, Docket No. UE-010395

A request for interim relief is not totally independent from the general rate case out of which it arises, but is more focused than a general rate proceeding and is processed more swiftly, while drawing upon the evidence prepared for the general case. Standards for granting interim relief are high, but such requests are less likely than

independent requests to be seen as constituting “single-issue” ratemaking that might unbalance other aspects of a company’s operation. ¶ 27

An interim request is tied to the timing of the general rate case, whereas an independent request is not. Thus the relief resulting from an independent request may be lesser or greater than the utility requires depending on the time it will be in effect. ¶ 28

The Commission rejects the request for a power cost adjustment because without a supporting power cost study it cannot be determined that such an adjustment would provide for rates that are fair, just and reasonable. ¶ 30; *RCW 80.04.130*

A showing that a utility is unable to make payments of principal when required is not enough in itself to meet the standards for a grant of interim relief. ¶ 32

In determining requests for extraordinary relief, the Commission may rely for guidance on standards established for granting interim relief. ¶ 33; *WUTC v. Pacific Northwest Bell Telephone Co.*, Cause No. U-72-30 (October 1972)

October 11, 2001

In the Matter of the Investigation
into

DOCKET NO. UT-003022

U S WEST COMMUNICATIONS,
INC.'S¹

Compliance with Section 271 of the
Telecommunications Act of 1996

.....
In the Matter of

DOCKET NO. UT-003040

U S WEST COMMUNICATIONS
INC.'S

ORDER MODIFYING PREHEARING ORDER

Statement of Generally Available
Terms Pursuant to Section 252(f) of
the Telecommunications Act of
1996

The Commission rejects Qwest's request that the parties respond to a draft report of the Regional Oversight Committee's (ROC's) third party tests of Qwest's Operational Support Systems (OSS). Responding to the draft report rather than the soon-to-be-issued final report will create confusion and will not result in significant time savings. ¶ 6

Qwest must file its final Section 271 FCC application in Washington State at least 90 days before filing it with the FCC. ¶ 9

¹ Due to a merger, U S West Communications, Inc. is now known as Qwest. The name Qwest is used throughout this Order.

October 17, 2001

In re the Matter of

DOCKET NO. UE-010395

AVISTA CORPORATION, d/b/a
AVISTA UTILITIES

ORDER CLARIFYING OPERATION OF POWER
COST DEFERRAL

Requests Regarding the Recovery
of Power Costs Through the
Deferral Mechanism

Avista must terminate the deferred accounting of
power costs on December 31, 2001. ¶ 6

The full amount of the credit associated with the
PGE monetization in this case is \$53.8 million. ¶ 7.

Avista must continue to accrue interest on the
deferral account balance after December 31, 2001 at
the previously approved rate. Refund of these
amounts and interest to be paid on them will be
addressed in the general rate case. ¶ 9.

Avista must maintain records of surcharge amounts
paid by individual customers but must report
monthly surcharge revenues by rate schedule only.
¶ 23.

October 24, 2001

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION

Complainant,

v.

PUGET SOUND ENERGY

Respondent.

DOCKET NO. UE-010525

ORDER APPROVING SPECIAL CONTRACTS

The Commission approved Special Contracts as transition tariffs for AT&T Wireless, WorldCom Inc and Qwest Corporation, the three remaining customers who receive service under PSE's Schedule 48. These Special Contracts will provide a bridge for these customers between the termination of Schedule 48 and the completion of PSE's general rate case.

It is in the public interest to allow utility customers an interim means to achieve certainty with respect to their rates, terms and conditions of service when the rate schedule they currently take service under is due to be terminated prior to the conclusion of the utility's recently filed general rate case. ¶ 18; *WAC 480-80-335; RCW 80.28.090; RCW 80.28.100*

The circumstances in this case are unique because it relates to three specific remaining customers on a particular soon-to-be-terminated utility rate schedule. For this reason, approval of the Special Contracts establishes no precedent for the general rate case, for consideration of any other Special Contracts, for other tariffs that may be filed in the future, or for use in the context of a complaint proceeding. ¶ 21